

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Michelle Chapman,)	C.A. No.: 6-06-cv-02623-RBH
)	
Plaintiff,)	O R D E R
vs.)	
)	
County of Greenville,)	
)	
Defendant.)	
)	

Pending before the Court is Defendant's Second Motion in Limine, docket entry #77, to exclude the testimony of four witnesses. No response has been filed to the motion by the plaintiff. Therefore, the Court assumes that the plaintiff either agrees with or does not dispute the arguments of the defendant in its motion. The witnesses were identified, according to the defendant, for the first time at jury selection and not previously identified in Plaintiff's answers to interrogatories. As indicated, Plaintiff has filed no response and therefore has not shown substantial justification for failing to identify those witnesses nor shown that the failure is harmless under Fed. R. Civ. P. 37(c)(1). *See Roland v. American General Finance, Inc.*, 340 F.3d 187 (4th Cir.2003). Additionally, the plaintiff by filing no response has not given the Court any information to consider favorably towards the plaintiff any of the factors set forth in *Adalman v. Baker, Watts & Co.*, 807 F.3d 359 (4th Cir. 1986). Therefore, in consideration of the above and for the reasons argued by the defendant, the motion is GRANTED.

AND IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Court Judge

June 5, 2008
Greenville, South Carolina